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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MICROSOFT CORPORATION,

Plaintiff,

v.

DEBRA SWEENEY, an individual d/b/a
GRAND AVENUE MICROTECH;
VINCENT SWEENEY, an individual d/b/a
GRAND AVENUE MICROTECH,

Defendants.

No. 08-CV-1218-AA

**JOINT MOTION AND ORDER FOR
ENTRY OF STIPULATED PERMANENT
INJUNCTION AGAINST DEFENDANTS**

Plaintiff Microsoft Corporation ("Microsoft") and Defendants Debra Sweeney, an individual d/b/a Grand Avenue Microtech and Vincent Sweeney, an individual ("Defendants"), having settled disputed claims, hereby jointly move this Court to enter the following Stipulated Permanent Injunction:

Microsoft and Defendants hereby stipulate that Defendants, along with any directors, principals, officers, agents, servants, employees, representatives, successors and assigns, and all

1- JOINT MOTION AND ORDER FOR ENTRY OF
STIPULATED PERMANENT INJUNCTION
AGAINST DEFENDANTS

41826-5274/LEGAL17042434.1

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those persons or entities acting in concert or participation with them, shall be and hereby are **PERMANENTLY ENJOINED** and restrained from illegally:

(a) imitating, copying, or making any other infringing use or infringing distribution of software programs, components, end user license agreements ("EULA") or items protected by Microsoft's registered trademarks and service mark, including, but not limited to, the following Trademark Registration Nos.:

- (1) 1,200,236 ("MICROSOFT");
- (2) 1,256,083 ("MICROSOFT");
- (3) 1,872,264 ("WINDOWS");
- (4) 2,744,843 (COLORED FLAG DESIGN);
- (5) 1,475,795 ("POWERPOINT");
- (6) 2,188,125 ("OUTLOOK");
- (7) 2,999,281 (COLOR FOUR SQUARE LOGO);

or the software programs, components, EULA, items or things protected by the following Certificate of Copyright Registration Nos.:

- (1) TX 5-407-055 ("Windows XP Professional");
- (2) TX 6-504-552 ("Microsoft Office Professional 2007");
- (3) TX 6-524-399 ("Microsoft Office Excel 2007");
- (4) TX 6-860-358 ("Microsoft Office Outlook 2007 with Business Contact Manager");
- (5) TX 6-524-389 ("Microsoft Office PowerPoint 2007");
- (6) TX 6-524-398 ("Microsoft Office Word 2007");
- (7) TX 6-524-388 ("Microsoft Office Publisher 2007");

and any other works now or hereafter protected by any of Microsoft's trademarks or copyrights;

(b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting, or

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displaying any software program, component, EULA, item or thing bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of any of Microsoft's registered trademarks or service mark, including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above;

(c) using any simulation, reproduction, counterfeit, copy, or colorable imitation of Microsoft's registered trademarks or service mark including, but not limited to, the Trademark and Service Mark Registration Nos. listed in Paragraph (a) above, in connection with the manufacture, distribution, offering for distribution, sale, offering for sale, advertisement, promotion, or display of any software, component, EULA, item or thing not authorized or licensed by Microsoft;

(d) using any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any software, component, EULA, item, or thing has been manufactured, produced, distributed, offered for distribution, advertised, promoted, displayed, licensed, sponsored, approved, or authorized by or for Microsoft, when such is in fact not true;

(e) using the names, logos, or other variations thereof of any of Microsoft's copyright and/or trademark-protected software programs in any of Defendants' trade or corporate names;

(f) engaging in any other activity constituting an infringement of any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's rights in, or right to use or to exploit these trademarks, service mark, and/or copyrights or constituting any illegal dilution of Microsoft's name, reputation, or goodwill; and

3- JOINT MOTION AND ORDER FOR ENTRY OF
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(g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs (a) through (f) above.

(h) Judge Thomas Coffin, or the District Court of Oregon in his absence, shall retain full, complete, and exclusive authority and jurisdiction to resolve and determine all disputes and issues related to this Order.

IT IS SO STIPULATED.

DATED: January 22 2010

MICROSOFT CORPORATION, a Washington corporation

By: 

Benjamin O. Crandall
Assistant Secretary

DATED: January 13 2010

DEBRA SWEENEY, an individual d/b/a GRAND AVENUE MICROTECH

By: 

Debra Sweeney

DATED: January 13, 2010

VINCENT SWEENEY, and individual

By: 

Vincent Sweeney

IT IS SO ORDERED.

DATED: March 15 2010

By: 

Honorable Thomas M. Coffin

Ann Aiken

4- JOINT MOTION AND ORDER FOR ENTRY OF
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